UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,784	03/23/2004	Shmuel Shaffer	062891.1244	4300

			EXAMINER
5073	7590	07/14/2006	JACOBS, LASHONDA T

BAKER BOTTS L.L.P.
2001 ROSS AVENUE
SUITE 600
DALLAS, TX 75201-2980

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 March 2004_.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle,* 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-37_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-37_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _3/23/2004_.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims **1-37** are rejected under 35 U.S.C. 102(e) as being anticipated by Yoakum et al

(hereinafter, "Yoakum", U.S. Pat. No. 6,658,095).

As per claims **1, 12, 23** and **34**, Yoakum discloses a system, method and logic for presence-

based management in a communication network, the system comprising:

- an instant messaging (1M) and presence server coupled to one or more network devices

  in a communication network, the network devices coupling two or more endpoints to

  each other and enabling communication between a first one of the endpoints and one or

  more second ones of the endpoints (col. 9, lines 46-65), the IM and presence server

  being operable to:

- using lM, discover one or more of the network devices (col. 9, lines 56-67 and col. 10,

  lines 1-10);

- using IM, obtain presence information on the discovered network devices from the

  discovered network devices (col. 10, lines 17-44); and

- using the presence information on the discovered network devices from the discovered network devices, maintain presence data associated with the discovered network devices (col. 12, lines 13-35).

As per claims **2, 13** and **24**, Yoakum discloses:

- wherein presence information on a discovered network device indicates a current presence status of the discovered network device (col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **3, 14** and **25**, Yoakum discloses:

- wherein one or more portions of the communication network together comprise a trust domain (col. 3, lines 62-67 and col. 4, lines 1-15).

As per claims **4, 15** and **26**, Yoakum discloses wherein:

- the IM and presence server and one or more of the network devices support one or more of Session Initiation Protocol (SIP) and SIP for Instant Messaging and Presence-Leveraging Extensions (SIMPLE) Protocol (col. 9, lines 46-65); and

- the IM and presence server uses SIP, SIMPLE Protocol, or both to discover one or more of the network devices and obtain presence information on the discovered network devices from the discovered network devices (col. 9, lines 46-65).

As per claims **5, 16** and **27**, Yoakum discloses:

- wherein, using IM, a network device automatically communicates a publish message to the IM and presence server in response to the network device booting up, the publish message discovering the network device to the IM and presence server .

As per claims **6, 17** and **28**, Yoakum discloses:

- wherein, using IM, a network device communicates a publish message to the IM and presence server in response to a discovery request from the IM and presence server, the publish message discovering the network device to the IM and presence server (col. 9, lines 66-67 and col. 10, lines 1-10).

As per claims **7, 18** and **29**, Yoakum discloses wherein:

- an authorized user at an endpoint is able to subscribe to status notifications on one or more discovered network devices from the IM and presence server, a status notification comprising presence information on one or more discovered network devices (col. 11, lines 50-67 and col. 12, lines 1-9);

- the IM and presence server communicating the status notifications to the user at the endpoint using IM (col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **8, 19** and **30**, Yoakum discloses:

- wherein an authorized user at an endpoint is able, using IM, to obtain presence information on a discovered network device from the discovered network device col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **9, 20** and **31**, Yoakum discloses:

- wherein an authorized user at an endpoint is able, using IM, to instruct one or more discovered network devices to perform one or more particular tasks col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **10, 21** and **32**, Yoakum discloses:

- wherein an authorized user at an endpoint is able, using IM, to manage one or more

  discovered network devices across one or more network boundaries between the endpoint

  and the one or more network devices col. 11, lines 50-67 and col. 12, lines 1-9).

As per claims **11, 22** and **33**, Yoakum discloses:

- wherein an authorized user at an endpoint is able to manage one or more discovered

  network devices using an IM and presence client (IMPC) at the endpoint, the authorized

  user providing input to and receiving output gone the IMPC via a network-management

  application operable to generate a graphical user interface (GU1) for managing the one or

  more discovered network devices col. 11, lines 50-67 and col. 12, lines 1-9).

As per claim **35**, Yoakum discloses a system for network, the system comprising:

- an instant messaging (IM) and presence server coupled to one or more network devices in

  a communication network, the network devices coupling two or more endpoints to each

  other and enabling communication between a first one of the presence-based

  management in a communication endpoints and one or more second ones of the

  endpoints (col. 9, lines 46-65), the IM and presence server being operable to:

- using IM and one or more of Session Initiation Protocol (SIP) and SIP for Instant

  Messaging and Presence-Leveraging Extensions (SIMPLE) Protocol, discover one or

  more of the network devices (col. 9, lines 46-65);

- using IM and one or more of SIP and SIMPLE Protocol, obtain presence information on

  the discovered network devices from the discovered network devices, presence

  information on a discovered network device indicating a current presence status of the

  discovered network device (col. 9, lines 56-67, col. 10, lines 1-10 and lines 17-44); and

- using the presence information on the discovered network devices from the discovered

  network devices, maintain presence data associated with the discovered network devices

  (col. 12, lines 13-35).

As per claim **36**, Yoakum discloses a system for presence-based management in a

communication network, the system comprising:

- a first device in a communication network (col. 9, lines 56-65); and

- a second device in the communication network, the second device operable to convey

  to the first device a presence of the second device in the communication network that

  is independent of a presence of a human user (col. 10, lines 29-43).

As per claim **37**, Yoakum discloses a system for presence-based management in a

communication network, the system comprising:

- a first device in a communication network operable to communicate with a second

  device in the communication network using instant messaging (IM) independent of

  first user input at the first device and independent of second user input at the second

  device (col. 9, lines 56-65 and col. 10, lines 29-43).

Conclusion

3.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

U.S. Pat. No. 7,020,480 to Coskun et al

U.S. Pub. No. 2004/003046 to Grabelsky et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 571-272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LaShonda T Jacobs
Examiner
Art Unit 2157

ltj
July 7, 2006
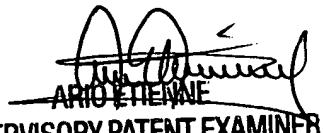
ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100